

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENOVA HOMES INC.,  
Plaintiff,

No. C 05-4114 SBA  
(Related to Case No. C 05-2377)

v.

**ORDER**

CERTAIN UNDERWRITERS AT LLOYD'S OF  
LONDON, et al.,  
Defendants.

On December 8, 2005, this Court issued an Order to Show Cause why Case No. C 05-4114 should not be remanded to state court for lack of subject matter jurisdiction. The Order to Show Cause was issued due to the Court's concern that defendant Devonshire Group, Inc.'s ("Devonshire") presence in the lawsuit destroyed diversity jurisdiction.

On December 28, 2005, the parties in Case No. C 05-4114 filed a stipulation whereby Plaintiff DeNova Homes, Inc. ("DeNova") agreed to voluntarily dismiss Devonshire from the lawsuit. Due to the voluntarily dismissal of Devonshire from the action, the Court is satisfied that it has subject matter jurisdiction over Case No. C 05-4114. The Court has also determined that consolidation of Case No. C 05-4114 and Case No. C 05-2377 is appropriate because the two actions arise out of the same incident, involve substantially the same parties, and involve common questions of law and fact. *See* Fed. R. Civ. P. 42(a).


Accordingly,

IT IS HEREBY ORDERED THAT pursuant to Federal Rule of Civil Procedure 42(a), *Certain Underwriters at Lloyd's of London v. Insurance Company of the State of Pennsylvania*, Case No. C 05-2377, and *DeNova Homes, Inc. v. Certain Underwriters at Lloyd's of London, et al.*, Case No. C 05-4114, are CONSOLIDATED into Case No. C 05-2377 for all further pretrial proceedings before this Court. Case No. C 05-2377 shall be the master file in which all further pleadings are filed.

1 IT IS FURTHER ORDERED THAT the parties in both actions shall appear for a telephonic  
2 Case Management Conference on **Wednesday, February 1, 2006 at 2:30 p.m.** The parties shall meet  
3 and confer prior to the conference and shall prepare a joint Case Management Conference Statement  
4 which shall be filed no later than ten (10) days prior to the Case Management Conference. Counsel for  
5 Certain Underwriters at Lloyd's of London shall be responsible for filing the statement as well as for  
6 arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above  
7 indicated date and time.

8 IT IS SO ORDERED.

9  
10 Dated: 1/3/06

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge